

ENGINEERING DIRECTIVES AND STANDARDS

VOLUME	I	Revision Date:	11/15/95
CHAPTER	1	Effective Date:	
SECTION DIRECTIVE	1 19	Subject:	PUBLIC ROAD EXCHANGE AND TRANSFER

1. **PURPOSE:** This directive establishes a uniform policy for the exchange and ansfer of ownership of public roads between the State and local governments.
2. **SCOPE:** The exchange and transfer of ownership of all public roads concerning the state maintained highway system that will remain in service after the transaction shall be governed by this policy and EDSM 1.1.1.10 where applicable.
3. **POLICY:** The exchange and transfer of ownership of public roads concerning the state maintained highway system shall be conducted according to the procedure herein. However, they shall not violate the requirements of LRS 48:191, LRS 48:221, LRS 48:224 or any other applicable state law.
4. **OBJECTIVE:** This policy is intended to provide the Department the opportunity to consistently negotiate and process binding agreements on behalf of the State of Louisiana for the equitable exchange of public roads with, or the transfer of ownership of public roads to local governments considering if the function of the roads is consistent with their respective missions.
5. **PROCEDURE:**
 - 5.1 Proposed public road exchanges initiated by the request of the governing body of a local government will be processed by the Department as follows:
 - 5.1.1. The governing body of the local government's) shall initiate all requests for road exchanges with the State by adopting a resolution similar to the appended form of resolution for road exchange that states the proposed exchange and affirms its acceptance of the same.
 - 5.1.2. The Planning Division will initially review the roads in the proposed road exchange to

ascertain if applicable legal requirements are met, if equity exists in the levels of responsibility exchanged and if an improvement to the connectivity of the State maintained arterial or collector systems will result.

5.1.3. If the minimum requirements are not met in the initial review, the Planning Division will provide a recommendation with concurring correspondence for the Secretary's signature to decline the proposed road exchange with stated reasons.

5.1.4 If the minimum requirements are met, the Planning Division will request the appropriate district to provide the portion of the following information deemed necessary to assess or process the proposed exchange:

5.1.4.1. A complete condition inventory of all the facilities on the state and local government owned roads in the proposed exchange and a traffic count on the same.

5.1.4.2. A compilation of the Department standards that apply to each of the road(s) in the proposed exchange.

5.1.4.3. An estimate of the costs to bring all the road(s) in the proposed road exchange that are below the Department's minimum tolerable conditions up to the Department's minimum design standards.

5.1.4.4. Obtain the name of the contact person and address of any public and other holder of recorded right-of-way agreements of permits affected by the exchange.

5.1.4.5. The recommendation of the District Administrator concerning the proposed road exchange.

5.1.5. The Planning Division will assess the feasibility of the proposed road exchange based on an evaluation of the information provided by the district and the Department's records. The Planning Division will then provide its recommendation to the Secretary for approval with concurring correspondence for the Secretary's signature to decline or accept the proposed road exchange. Upon the approval of the Secretary to accept a proposed road exchange, the Planning Division will provide the Real Estate Section the documentation.

5.1.6 The Real Estate Section will process the exchange according to LRS 48:224 and perform the portion of the following processes deemed necessary to reach a binding agreement with the local government and extinguish the Department's ownership and associated liabilities:

5.1.6.1 Secure concurrence for the reduction of right-of-way from the FHWA when appropriate.

- 5.1.6.2 Provide notification to public utilities and other holders of recorded right-of-way agreements or permits affected by the abandonment and to each member of the legislature in whose district the abandonment is located.
- 5.1.6.3 Prepare and execute a declaration of abandonment for the portion of right-of-way being transferred to the local government.
- 5.1.6.4 Prepare and execute an agreement between the local government and the State for the exchange of public roads consistent with the resolution adopted by the local government.
- 5.1.6.5 File the appropriate documents with the parish clerk of court.
- 5.2 Proposed public road transfers initiated by the Department will be processed by the Department as follows:
 - 5.2.1. The Road Design Section will notify the Planning Division of projects with planned realignments of the state maintained highway system that are on new locations and furnish a map to show proposed projects.
 - 5.2.2. The Planning Division will initially evaluate the proposed new road location(s) and the old road location(s) that will remain after construction for connectivity to the state maintained highway system and advise the Road Design Section of its conclusions.
 - 5.2.3. If the Planning Division concludes from its initial evaluation that it is appropriate to transfer to the local government(s) the ownership of the old road(s) that will remain after construction, it will request the appropriate district to provide the portion of the following information deemed necessary to negotiate a transfer of ownership:
 - 5.2.3.1. The receptivity of the local government(s) to the proposed transfer of ownership of the old road(s) and any conditions that may be more favorable for a successful transfer.
 - 5.2.3.2. A complete condition inventory of all the facilities on the old road(s) and a traffic count.
 - 5.2.3.3 An estimate of the costs to bring the facilities on the old road(s) up to conditions acceptable to the local government for the transfer of ownership.
 - 5.2.3.4 The recommendation of the District Administrator concerning the feasibility of the transfer of ownership of the old road(s) that will remain after construction.
 - 5.2.4. The Planning Division will assess the feasibility of the transfer of ownership of the old road(s) based on an evaluation of the information provided by the district and the Department's records. If deemed feasible, the Planning Division will attempt to obtain, by preparing correspondence for the Secretary's signature, a resolution adopted by the

governing body of the local government(s) similar to the appended form of resolution that states the proposed transfer of ownership and affirms its acceptance of the same. The Planning Division will also provide the Real Estate Section with the necessary details to prepare a transfer of ownership.

5.2.5. The Real Estate Section will process the transfer of ownership according to LRS 48:224 and perform the portion of the following processes deemed necessary to reach a binding agreement with the local government and extinguish the Department's ownership and associated liabilities:

5.2.5.1 Secure concurrence for the reduction of right-of-way from the FHWA when appropriate.

5.2.5.2 Provide notification to public utilities and other holders of recorded right-of-way agreements or permits affected by the abandonment and to each member of the legislature in whose district the abandonment is located.

5.2.5.3 Prepare and execute a declaration of abandonment for the portion of right-of-way being transferred to the local government.

5.2.5.4 Prepare and execute an agreement for the transfer of ownership of public roads to the local government from the State consistent with the resolution adopted by the local government.

5.2.5.5 File the appropriate documents with the parish clerk of court.

5.2.6. If the Department fails to obtain an adopted resolution for the transfer of ownership by the appropriate governing body, it may exercise the prerogative to delay the development of the project indefinitely and/or consider with prejudice any proposed road exchanges to accommodate the local government until an adopted resolution is obtained.

6. RESPONSIBILITY:

6.1 The Planning Division will develop feasibility reports and the resulting recommendations as required for public road exchanges and transfers with local governments. The Planning Division will also attempt to properly dispose of all proposed public road exchanges in a timely manner and attempt to obtain adopted resolutions to accept the transfer of ownership of public roads when appropriate.

6.2 The district will, upon request from the Planning Division, provide the information and recommendation(s) required to assess the feasibility of public road exchanges and transfers.

6.3 The Secretary must in writing accept on behalf of the Department and the State of

Louisiana, a resolution by the governing body of a local government proposing a public road exchange between the Department and the local government for it to become a binding agreement.

6.4 The Real Estate Section will prepare the necessary instruments and documents to effect the exchange or transfer of ownership of public roads. The Real Estate Section will also transmit copies of the executed agreements to the Project Control Section and/or notify the Road Design Section and Planning Division of their final disposition.

6.5 The Project Control Section will update and maintain a current description of all public roads on the state maintained highway system and undeveloped rights-of-way owned by the Department and identified by control section.

Secretary Form of Resolution for Transfer of Ownership of Public Roads

WHEREAS, The _____ Parish Police Jury is agreeable to conditionally accept ownership of whatever rights the Department may own in and to the following described property and accept all future liabilities associated therewith for its operation and maintenance as a parish route:

The portion of state route LA from a point approximately _____ miles _____ of its intersection with its realigned portion and proceeding _____ approximately miles to its termination.

The portion of state route LA from a point approximately _____ miles _____ of its intersection with its realigned portion and proceeding _____ approximately miles to its intersection with the same.

WHEREAS, The _____ Parish Police Jury is agreeable to accept ownership of whatever rights the Department may own in and to the aforesaid portion(s) of the state route(s) if and only when the State of Louisiana completes the following action(s)

Cold plane and resurface the pavement with 2 1/2 inches of hot mix asphalt of that portion of state route LA to be transferred to the Parish.

Regrade the ditches of that portion of state route LA to be transferred to the Parish.

RESOLVED, That the _____ Parish Police Jury will accept ownership of whatever rights the Department may own in and to the aforesaid portion(s) of the state route(s)

described herein as a binding agreement between the State of Louisiana and the Parish of _____ provided the Department of Transportation and Development complies with the conditions described herein within 10 years of the adoption of this resolution.

On motion by _____ and seconded by _____, the above and foregoing resolution was declared duly adopted on this the _____ day of _____ 199_.

President, Secretary
Parish Police Jury

I hereby certify the above and aforementioned resolution was adopted by the _____ Parish Police Jury in regular session convened on _____, 199_ at which a quorum was present, given under my official signature and seal of office this _____ day of _____ 199_ Secretary Form of Resolution for Public Road Exchange WHEREAS, The _____ Parish Police Jury is agreeable to relinquish ownership of whatever rights it may own in and to the following described property and all future liabilities associated therewith to the State of Louisiana: The parish route known as _____ in its entirety from its intersection with state route LA proceeding _____ approximately _____ miles to its intersection with state route LA The portion of parish route known as _____ from its intersection with state route LA proceeding _____ approximately _____ miles to its intersection with state route LA WHEREAS, The _____ Parish Police Jury in exchange for the acceptance by the State of Louisiana of the aforesaid described property is agreeable to accept ownership of whatever rights the Department may own in and to the following described property and accept all future liabilities associated therewith for its operation and maintenance as a parish route:

The state route LA in its entirety from its intersection with state route LA proceeding _____ approximately miles to its termination.

The portion of state route LA from a point approximately _____ miles _____ of its intersection with state route LA and proceeding _____ approximately _____ miles to its termination.

RESOLVED, That the _____ Parish Police Jury will accept the exchange of property described herein as a binding agreement between the State of Louisiana and the Parish of _____ provided the Department of Transportation and Development accepts the exchange of property described herein within 90 days of the adoption of this resolution.

On motion by _____ and seconded by _____, the above and foregoing resolution was declared duly adopted on this the _____ day of _____ 199_.

President , Secretary
Parish Police Jury Parish Police Jury

I hereby certify the above and aforementioned resolution was adopted by the _____ Parish Police Jury in regular session convened on _____, 199 at which a quorum was present, given under my official signature and seal of office this _____ day of 199

R. E. DILLON, JR., P.E.
DOTD CHIEF ENGINEER